

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1-17 are pending in this application. Claims 1, 8, 15 and 17 are independent. All of the pending claims stand rejected. By this Amendment, independent claims 1, 8, 15 and 17 are amended. No new matter has been added by this Amendment.

#### **Rejection under 35 U.S.C. §102**

Claims 1-6, 8-13 and 17 have been repeatedly rejected under 35 U.S.C. §102(b) as being anticipated by EP650292A1 to Miyawaki et al. ("Miyawaki").

In the *Response to Arguments* section of the Final Office Action, the Examiner describes, *inter alia*, that:

Finally, the Office Action point out that **figure 10e** shows an instance where the claimed "image signal" output from the "image sensor" and the claimed "an image display device that displays an image based on said image signal" ARE NOT displayed -- in fact, ONLY A SELECTED PORTION of that "image signal" is displayed.

\* \* \* \*

Therefore, the Examiner has determined that SAID "image" based on SAID "image signal" output from SAID "image sensor" IS displayed in figures 10a-10d and 10f and SAID "image" based on SAID "image signal" output from SAID "image sensor" IS NOT displayed in figure 10e. (Emphasis in the original, pages 2 and 3 of the Final Office Action)

First of all, the Examiner appears to assert that if only a selected portion of the image signal is displayed, then it means that the image signal is not displayed. However, Applicant notes that even if only a selected portion of the image signal is displayed, the image signal is still displayed. The claim language does not concern whether all of the image signal or only a portion of the image signal is displayed. Applicant's inventive image sensing apparatus recites,

*inter alia*, a display designating unit that determines whether or not the image is displayed by the image display device.

Secondly, Applicant believes that the cited figures in Miyawaki (i.e., Figs. 10a-10f) do not necessarily teach the display designating unit/step of the present invention. In other words, simply showing figures of an object including a zoomed figure does not necessarily teach the display designating unit/step which actively determines the status of the display device.

Accordingly, each of claims 1, 8 and 17 is believed neither anticipated by nor rendered obvious in view of Miyawaki for at least the reasons discussed above.

Nonetheless, each of claims 1, 8 and 17 has been amended to further clarify that the display designating unit/step of the present invention determines the status of the display device. For example, claim 1 recites, *inter alia*, “a display designating unit that determines whether or not said image display device is in an image display ON state.”

Applicant believes that amended claims 1, 8 and 17 further distinguish over the cited reference, i.e., Miyawaki.

Reconsideration and withdrawal of the rejections of claim 1, 8 and 17 under 35 U.S.C. §102(b) is respectfully requested.

**Rejection under 35 U.S.C. §103**

Claims 7 and 14-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Miyawaki.

Independent claim 15 as amended recites similar functional step as described above for claims 1, 8 and 17, e.g., a code of a display designating step by a display designating unit that determines whether or not image display device is in an image display ON state.

Accordingly, claim 15 is believed neither anticipated by nor rendered obvious in view of Miyawaki for at least the similar reasons as discussed above regarding claims 1, 8 and 17.

Reconsideration and withdrawal of the rejections of claim 15 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.